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February 21, 2025

By ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Fair Housing Justice Center, Inc. et al. v. Juda Niayzov et al.*,
24-cv-04201

Dear Judge Merkl:

I represent the Plaintiffs in this case. I write pursuant to the Court's January 13, 2025 Order (ECF 49) to present two competing Case Management Worksheets in advance of the March 3, 2025 initial conference.

Attached as Exhibit A is the draft that I initially circulated to defense counsel. Consistent with the Court's guidelines, this initial proposal would have established a Phase I Discovery deadline of May 5, 2025 and a Phase II discovery deadline of June 20, 2025. Counsel for the Niayzov Defendants, Defendant Demerovic, and Defendants Zheng and Weng all agreed with this proposal, at least initially.

Counsel for Defendants Remax Edge Realty and Zheng, joined by counsel for Defendant 202 Marine LLC, then objected and counter-proposed the longer schedule that is attached hereto as Exhibit B. Those Defendants apparently want both Phase I and Phase II discovery to end on September 9, 2025; and whereas under my initial proposal expert discovery would conclude on November 21, 2025, under their counter-proposal expert discovery would conclude on January 21, 2026.

Although I have reservations about Defendants' counter-proposal, which does not reflect the Court's guidelines, I agreed to submit it to the Court jointly with them. The Court's January 13, 2025 Order states that "[s]hould the parties wish to adopt a plan for discovery different from the structure in the worksheet, they may do so only if they file a letter explaining why such a plan is appropriate in this case." I asked counsel for Defendants Remax Edge Realty and Zheng, Asher Kest, to draft the required letter. I further asked him to include in that letter the following statement:

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“Counsel for Plaintiff asked us to note that Plaintiff initially proposed a shorter discovery schedule and has some reservations about the proposed CMO. But Plaintiff has agreed to join Defendants in making this proposal, to the extent the Court is in agreement.”

Mr. Kest refused to include that statement in his letter. I tried to persuade him to reconsider, but he continues to refuse.

I therefore am presenting both proposals to the Court for consideration. To the extent defense counsel believes it would be unduly burdensome to complete depositions by June 20, 2025, and to the extent the Court is comfortable pushing that deadline back, I do not object, although I note that scheduling depositions during the summer likely will be challenging. I further note that I respectfully do not understand why Mr. Kest apparently is proposing to collapse Phase I and Phase II, nor do I understand why Mr. Kest believes it is necessary to push the expert discovery deadline into 2026.

I am sorry that we were unable to present a unified Case Management Worksheets. I am confident that with the Court's guidance, we will be able to identify a schedule that all of the parties and the Court agree is appropriate.

Thank you for your attention to this letter.

Respectfully submitted,



Eric Hecker

cc: All Counsel of Record (by ECF)

EXHIBIT A

Case Name: FHJC et al, v. Niayzov et al. Case Number: 24-CV- 4202 (LDH)(TAM)

CASE MANAGEMENT WORKSHEET			
<u>Preparation for Initial Conference</u>			
Rule 26(f) conference held?	Date: 10/10/24		
Deadline for Rule 26(a) initial disclosures and any HIPAA-compliant records authorizations:	2/26/25		
Procedures discussed for producing Electronically Stored Information (ESI)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A
Confidentiality Order to be submitted for Court approval?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A
Anticipated number of depositions:	Plaintiff(s): 10 Defendant(s): 10		
First requests for production of documents and for interrogatories due by:	2/26/25		
<u>Proposed Deadlines for Pre-Settlement Discovery (Phase I)</u>			
Agreed upon completion date for Phase I Discovery: (Reciprocal agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)	5/2/25		
Date for pre-settlement status conference with counsel: (Proposed date to report the parties' preparedness for mediation or a settlement conference. Presumptively 10-15 days after the completion of Phase I Discovery.)			
<u>Proposed Deadlines for Discovery and Motion Practice (Phase II)</u>			
Deadline to join new parties or amend pleadings as of right: (Presumptively 15 days after initial settlement conference)	6/6/25		
All fact discovery completed by: (Presumptively 3.5 months after first requests for documents/interrogatories)	6/20/25		
Joint status report certifying close of fact discovery:	6/27/25		
Anticipated number of expert reports:	Plaintiff(s): 2 Defendant(s): 2		

Exchange of expert disclosures completed by: (Presumptively 30 days after fact discovery)	8/8/25	
Expert depositions completed by: (Presumptively 30 days after initial expert disclosures)	9/19/25	
Exchange of rebuttal expert reports by: (Presumptively 30–45 days after initial expert disclosures)	10/24/25	
All expert discovery completed by:	11/21/25	
CERTIFICATION OF THE COMPLETION OF ALL DISCOVERY BY: (Presumptively 9 months after Initial Conference)	12/5/25	
Final date to take first step in dispositive motion practice: (Parties are directed to consult the District Judge’s Individual Rules regarding such motion practice. Presumptively 30 days after completion of all discovery.)	12/19/25	
Do the parties wish to be referred to EDNY’s mediation program pursuant to Local Rule 83.8?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do the parties consent to trial before a Magistrate Judge pursuant to 28 U.S.C. § 636(c)? (The fillable consent form may be found at https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge . Consenting does not affect a party’s right to a jury trial.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

SO ORDERED:

TARYN A. MERKL
United States Magistrate Judge

DATE

EXHIBIT B

Case Name: FHJC et al, v. Niayzov et al. Case Number: 24-CV-4202 (LDH)(TAM)

CASE MANAGEMENT WORKSHEET			
<u>Preparation for Initial Conference</u>			
Rule 26(f) conference held?	Date: 10/10/24		
Deadline for Rule 26(a) initial disclosures and any HIPAA-compliant records authorizations:	2/26/25		
Procedures discussed for producing Electronically Stored Information (ESI)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A
Confidentiality Order to be submitted for Court approval?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A
Anticipated number of depositions:	Plaintiff(s): 10 Defendant(s): 10		
First requests for production of documents and for interrogatories due by:	3/12/25		
<u>Proposed Deadlines for Pre-Settlement Discovery (Phase I)</u>			
Agreed upon completion date for Phase I Discovery: (Reciprocal agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.)	9/9/25		
Date for pre-settlement status conference with counsel: (Proposed date to report the parties' preparedness for mediation or a settlement conference. Presumptively 10-15 days after the completion of Phase I Discovery.)			
<u>Proposed Deadlines for Discovery and Motion Practice (Phase II)</u>			
Deadline to join new parties or amend pleadings as of right: (Presumptively 15 days after initial settlement conference)	6/6/25		
All fact discovery completed by: (Presumptively 3.5 months after first requests for documents/interrogatories)	9/9/25		
Joint status report certifying close of fact discovery:	9/17/25		
Anticipated number of expert reports:	Plaintiff(s): 2 Defendant(s): 2		

Exchange of expert disclosures completed by: (Presumptively 30 days after fact discovery)	10/8/25	
Expert depositions completed by: (Presumptively 30 days after initial expert disclosures)	11/17/25	
Exchange of rebuttal expert reports by: (Presumptively 30–45 days after initial expert disclosures)	12/22/25	
All expert discovery completed by:	1/21/26	
CERTIFICATION OF THE COMPLETION OF ALL DISCOVERY BY: (Presumptively 9 months after Initial Conference)	1/28/25	
Final date to take first step in dispositive motion practice: (Parties are directed to consult the District Judge’s Individual Rules regarding such motion practice. Presumptively 30 days after completion of all discovery.)	2/19/25	
Do the parties wish to be referred to EDNY’s mediation program pursuant to Local Rule 83.8?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do the parties consent to trial before a Magistrate Judge pursuant to 28 U.S.C. § 636(c)? (The fillable consent form may be found at https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge . Consenting does not affect a party’s right to a jury trial.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

SO ORDERED:

TARYN A. MERKL
United States Magistrate Judge

DATE